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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 4, 2007 Signature: _____ (Bruno Polito)

SONYJP 3.3-1245 DIV II
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fumitake Yodo

Application No.: 09/923,618 Confirmation No.: 1742

Filed: August 7, 2001 Art Unit: 3627

For: TERMINAL DEVICE, ACCOUNTING SYSTEM AND DATA PROCESSING METHOD Examiner: M. T. Thein

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF PURSUANT TO 37 CFR § 41.37

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notification of Non-Compliant Appeal Brief mailed April 4, 2007, concerning the Appeal Brief filed November 24, 2004. The Brief filed November 24, 2004, has been amended to include the following sections as required by C.F.R. § 41.37(C)(1):

"Summary of Claimed Subject Matter,"
"Grounds of Rejection to be Reviewed on Appeal,"
"Evidence Appendix," and
"Related Proceedings Appendix."

An Amended Appeal Brief is being submitted herewith for consideration.

No fee is believed due in this matter. However, in the event that any fee is due in connection with the foregoing, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: May 4, 2007

Respectfully submitted,

By

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Dated: May 4, 2007 Signature: (Bruno Polito)

SONYJP 3.3-1245 DIV II
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fumitake Yodo

Application No.: 09/923,618 Group Art Unit: 3627

Filed: August 7, 2001 Examiner: M. Thein

For: TERMINAL DEVICE, ACCOUNTING SYSTEM AND DATA PROCESSING METHOD

AMENDED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an amended version of the Appeal Brief filed on November 24, 2004. This amended brief is submitted in response to the Notice of Non-Compliant Appeal Brief mailed April 4, 2007. The brief filed on November 24, 2004 has been amended to include the following sections as required by 37 CFR §41.37(c)(1): "Summary of Claimed Subject Matter", "Grounds of Rejection to be Reviewed on Appeal", "Evidence Appendix" and "Related Proceedings Appendix".

This is an Appeal to the Board of Patent Appeals and Interferences from the Decision dated July 14, 2004, of the Examiner finally rejecting the sole claim remaining in this application. The fee for filing an appeal brief was submitted with the Brief that was filed on November 24, 2004.

REAL PARTY(IES) IN INTEREST

This application is assigned to Sony Corporation 7-35 Kitashinagawa 6-chome, Shinagawa-ku, Tokyo, Japan by the Assignment recorded January 19, 2007 at Reel 018790, Frame 0251.

RELATED APPEALS AND INTERFERENCES

The instant application is a divisional of U.S. Patent Application No. 09/600,509 (the "Parent Application"), filed July 17, 2000. An Appeal Brief in the Parent Application was filed on January 20, 2006, an Examiner's Answer was mailed on April 19, 2006, and a Reply Brief and a Request for Oral Hearing were filed on June 20, 2006. As of the date of this amended appeal brief, an appeal number has not been assigned in the Parent Application.

Another divisional application of the Parent Application; namely, U.S. Patent Application No. 09/923,702 (the "Sibling Application") was filed August 7, 2001. An Appeal Brief in the Sibling Application was filed on February 24, 2005. A Notice of Non-Compliant Appeal Brief was mailed on June 2, 2006, and an Amended Appeal Brief was filed on August 7, 2006. An Examiner's Answer to the August 7, 2006 Appeal Brief was mailed on March 29, 2007. As of the date of this amended appeal brief, an appeal number has not been assigned in the Parent Application.

STATUS OF CLAIMS

This application, which is a division of application serial No. 09/600,509, filed July 17, 2000, was originally filed with 12 claims and a Preliminary Amendment canceling claims 1-9. Claims 10-12 were amended by the Amendment mailed July 18, 2002. Claims 11 and 12 were amended and claim 10 was canceled by the Amendment mailed January 10, 2003. Claims 11 and 12 were

amended by the Amendment mailed May 7, 2003 and again by the Amendment mailed October 13, 2003. Claim 11 was amended and claim 12 was canceled by the Amendment mailed April 12, 2004. A Response, without any claim Amendments, was mailed August 12, 2004 and an Advisory Action maintaining the final rejection of July 14, 2004 was mailed August 31, 2004. Claim 11, the sole claim pending in this application stands finally rejected and is the basis of this Appeal.

STATUS OF AMENDMENTS

In response to the final rejection mailed July 14, 2004, a Response, without any claim amendments, was mailed August 12, 2004, and an Advisory Action maintaining the final rejection of July 14, 2004, was mailed August 31, 2004. Claim 11, the sole claim pending in this application, stands finally rejected and is set forth in Exhibit A attached hereto.

SUMMARY OF CLAIMED SUBJECT MATTER

The presently claimed invention relates to a data processing method in an accounting system (Fig. 1) including an accounting center (1 in Fig. 1) and a terminal device (10 in Fig. 1) communicating with the accounting center (as shown in Fig. 1).

The data processing method includes the steps of:

storing accounting points in a first memory of the terminal device (CPU 11 stores accounting points (PT) in point memory 45 in Fig. 3);

storing distributed information distributed from an external source (1 in Fig. 1) and attributes (a permission flag) corresponding to the distributed information in a second memory of the terminal device (CPU 11 stores information in hard disk

(HDD) 15 in Fig. 3, and step S4 in Fig. 8) and setting the attributes to an unavailable state (step S5 in Fig. 8, and page 33, lines 7-12);

updating the accounting points (PT) stored in the first memory of the terminal device (45 in Fig. 3) and updating the attributes of the distributed information from the unavailable state to an available state (step S8 in Fig. 8, and page 34, lines 10-13) when the accounting points are updated correctly based on the distributed information (step S7 in Fig. 8);

transmitting the accounting points (by CPU 11 in Fig. 3) stored in the first memory of the terminal device (45 in Fig. 3) to the accounting center (1 in Fig. 3, steps S6 or S11 in Fig. 8, and page 39, lines 13-16, for example);

carrying out an accounting processing (Fig. 9 or Fig. 11) in the accounting center (1 in Fig. 3) based on the accounting points transmitted from the terminal device (10 in Fig. 1, steps S41-46 in Fig. 11, steps S21-24 in Fig. 9, for example); and

restoring the accounting points in the first memory (45 in Fig. 3) to an initial value (step S26 in Fig. 9) after receiving a notification from the accounting center (1 in Fig. 3) indicating that the accounting processing has ended normally (step S26 in Fig. 9, step S14 in Fig. 8, and step S47 in Fig. 11, for example).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claim 11 is patentable under 35 U.S.C. §102(e) over Peterson '020 (U.S. Patent No. 5,857,020).

Whether claim 11 is patentable under 35 U.S.C. §103(a) over Peterson '020 (U.S. Patent No. 5,857,020).

ARGUMENT

Claim 11 is patentable under 35 U.S.C. §102(e) over Peterson '020 (U.S. Patent No. 5,857,020).

As described above in the "Summary of Invention" section of this Brief, features of the claimed data processing method in an accounting system including an accounting center and a terminal device according to the present invention are a step of transmitting accounting points stored in a first memory of the terminal device to the accounting center, and a step of carrying out an accounting processing in the accounting center based on the accounting points transmitted from the terminal device.

Peterson '020 is merely teaching the use of a general prepaid card (88 in Fig. 3) that requires the user to contact the accounting center to purchase the prepaid card or to adjust the amount of prepaid funds available in the prepaid card (91 in Fig. 3).

Looking at Peterson '020 we see that there is no transmission of the accounting points from the terminal device to the accounting center and no accounting process carried out in the accounting center based on the accounting points transmitted from the terminal device to the accounting center. General prepaid cards, such as the one used Peterson '020, require the user to contact the accounting center to purchase or update the card.

It is respectfully submitted that Col. 2, lines 62-66 of Peterson '020, pointed to in the appealed Office Action of July 14, 2004 at paragraph 2 as teaching the transmission of the accounting points from the terminal device to the accounting center, is merely teaching the use of an online authorization process, wherein a consumer purchases the right to view a movie

for a certain fee. There is no transmission of accounting points from the terminal device to the accounting center in such a system.

Accordingly, it is respectfully submitted that claim 11 is not anticipated by Peterson '020.

Claim 11 is patentable under 35 U.S.C. §103(a) over Peterson '020 (U.S. Patent No. 5,857,020).

It is respectfully submitted that Peterson '020 fails to show or suggest transmitting the accounting points from the terminal device to the accounting center and the accounting center carrying out an accounting process based on the accounting points transmitted from the terminal device. Peterson '020 is merely teaching the use of a general prepaid card (88 in Fig. 3) that requires the user to contact the accounting center to purchase the card or to adjust the amount of the prepaid funds (91 in Fig. 3). In the system taught by Peterson '020 there is no transmission of the accounting points from the terminal device to the accounting center.

Accordingly, at least because Peterson '020 fails to show or suggest transmitting the accounting points from the terminal device to the accounting center and the accounting center carrying out an accounting process based on the accounting points transmitted by the terminal device, it is respectfully submitted that claim 11 is patentably distinct over Peterson '020.

CONCLUSION

Claim 11 is patentable over Peterson '020. Accordingly, it is respectfully submitted that the Examiner erred in rejecting claim 11 and a reversal of the final rejection of claim 11 by this Honorable Board is respectfully requested.

Dated: May 4, 2007

Respectfully submitted,

By

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APPENDIX A - CLAIMS

Claims 1-10 (Canceled).

Claim 11 (Finally Rejected). A data processing method in an accounting system including an accounting center and a terminal device communicating with the accounting center, the method comprising the steps of:

storing accounting points in a first memory of the terminal device;

storing distributed information distributed from an external source and attributes corresponding to the distributed information in a second memory of the terminal device and setting the attributes to an unavailable state;

updating the accounting points stored in the first memory of the terminal device and updating the attributes of the distributed information from the unavailable state to an available state when the accounting points are updated correctly based on the distributed information;

transmitting the accounting points stored in the first memory of the terminal device to the accounting center;

carrying out an accounting processing in the accounting center based on the accounting points transmitted from the terminal device, and

restoring the accounting points in the first memory to an initial value after receiving a notification from the accounting center indicating that the accounting processing has ended normally.

Claim 12 (Cancelled).

APPENDIX B - EVIDENCE

None.

APPENDIX C - RELATED PROCEEDINGS

None.